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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,525

04/12/2004

Timothy D. Wildman

8266-1265

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11/06/2006

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,525

Applicant(s)

WILDMAN ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79, 81-86 and 88 is/are pending in the application.
4a) Of the above claim(s) 23-29 is/are withdrawn from consideration.
5) ☒ Claim(s) 1-8, 11-22 and 30-79 is/are allowed.
6) ☒ Claim(s) 81-86 and 88 is/are rejected.
7) ☒ Claim(s) 9 and 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2612

1. The amendment filed 6/30/06 has been fully considered. The replacement drawing sheets for Figs. 4, 5 and 13A are approved.
2. Applicant should note that "withdrawn" claims 23-29 will need to be cancelled, before the application can be allowed.
3. The disclosure is objected to because of the following informalities:
page 37, line 10, it appears that "40" should be --400--.
Appropriate correction is required.
4. The drawings remain objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "virtual reality system wherein the user is presented a three-dimensional representation of the facility" (claim 67) must be shown or the feature(s) canceled from the claim(s). (If this element is shown in a publication which is incorporated by reference, the particular point in the reference where it is shown should be identified.) No new matter should be entered.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or appropriate amendment to the claims to remove the feature(s) not shown, is/are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
6. Claims 9-10 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2612

At the end of claim 9, "the sidereal [sic]" lacks antecedent basis; i.e., it appears that "the side rail" was intended, but there is no prior recitation of "a side rail".

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 81-86 and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 81-86 and 88 depend, directly or indirectly, from claim 80, which has been cancelled; therefore, the scope of claims 81-86 and 88 cannot be determined.

9. Claims 1-22, 30-79, 81-86 and 88 are allowed, or would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and/or the objection(s) under 37 CFR 1.75(a), set forth in this Office action.

10. Applicant's arguments filed 6/30/06, as to the drawing objection in paragraph 4 above, have been fully considered but they are not persuasive.

Regarding the alleged showing of a "virtual reality system" in the drawings, applicant refers to page 37, lines 9-14 of the specification, which states that a "portable device 40" may serve as a "virtual facility interface" (apparently the "portable device" being referred to is actually denoted "400" in Fig. 10, see the discussion beginning at page 34, line 30 of the specification). However, this same paragraph on page 37 of the specification also refers to a "virtual reality system including goggles to be worn by the user"; this language in the specification is consistent with what is recited in claim 67 (where the "goggles" mentioned in the specification would be the means capable of presenting to the user "a three-dimensional representation of the facility", as recited in the claim). In no way, shape or form does the block diagram of a "portable device" in Fig. 10 (in particular, the "display" block 405 of such device)

Art Unit: 2612

show any type of "virtual reality system wherein the user is presented a three-dimensional representation of the facility", as recited in claim 67.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612